

linquent taxes shall apply to said district; providing that if any provision of this Act shall be held invalid or unconstitutional the other provisions shall not be affected; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SPEARS, Chairman.

Committee Room,

Austin, Texas, April 26, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 58 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, April 23, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 12 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, April 23, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 261 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, April 26, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 47 and S. C. R. No. 57 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

#### SIXTY-SIXTH DAY.

(Tuesday, April 27, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tempore Pace.

The roll was called and the following Senators were present:

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Aikin.

#### Reports of Standing Committees.

Reports on Senate Bills Nos. 179, 488, 494, 491, 495, and 490 and on House Bills Nos. 1091, 284, 24, 982, 793 and 1002 were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

#### Senate Bills on First Reading.

The following (local) bills were introduced, read first time and referred to the committees indicated:

By Senator Newton:

S. B. No. 492, A bill to be entitled "An Act providing that Limestone County, Texas, may fund or refund the indebtedness outstanding against its Permanent Improvement Fund as of May 1st, 1937; setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all Acts and proceedings heretofore had by the commissioners' court of said county, and officers thereof, in respect to the funding or refunding of said indebtedness; and providing that this law shall be cumulative of General Law pertaining to funding and refunding bonds not in conflict herewith; repealing all laws in conflict herewith; and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Stone:

S. B. No. 494, A bill to be entitled "An Act providing that all bonds which have been heretofore issued and sold by all road districts in counties with a population of not less than twenty-five thousand Three Hundred Forty-four and not more than Twenty-five Thousand Four Hundred Forty-four people, according to the last preceding Federal Census, where the proceeds of the sale of bonds has been expended, in whole or in part, upon a highway which has, since the issuance and sale of said bonds, been temporarily or permanently designated as a part of the State Highway System, shall be entitled to participate in the State Highway Fund, under the provisions and restrictions of Chapter 136, Acts of the Forty-third Legislature of Texas, 1933, and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Weinert:

S. B. No. 495, A bill to be entitled "An Act authorizing the appointment of County Highway Patrolmen by the commissioners' courts of counties containing not less than eleven thousand nine hundred eighty (11,980) inhabitants, and not more than twelve thousand one hundred (12,100) inhabitants, according to the last preceding Federal Census; and declaring an emergency."

Referred to Committee on Counties and County Boundaries.

By Senator Davis:

S. B. No. 496, A bill to be entitled "An Act relating to the time for holding court in the several counties constituting the 119th Judicial District of Texas, composed of the Counties of Coleman, Concho, Runnels and Tom Green, fixing the terms for holding court in each county, amending Chapter 367, Acts of the Regular Session of the Forty-second Legislature, 1931, as amended by Chapter 24, Acts of the First Called Session of the Forty-third Legislature, repealing all laws in conflict therewith, and declaring an emergency."

Referred to Committee on Judicial Districts.

**Senate Bill No. 493 on First Reading.**

Senator Aikin moved that the rule limiting the time for introduction of

certain bills to the first 45 days of the session be suspended, to permit the introduction at this time of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29.

Aikin	Pace
Beck	Rawlings
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Head	Spears
Hill	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff
Oneal	

Absent.

Davis Holbrook

The following bill was then introduced, read first time and referred to the Committee on Finance:

By Senator Aikin:

S. B. No. 493, A bill to be entitled "An Act making an appropriation to Tira Common School District of Hopkins County, and declaring an emergency."

#### Senate Resolution No. 76.

Senator Holbrook offered the following resolution:

Whereas, Colonel T. N. Jones of Tyler is in the Capitol Building; therefore, be it

Resolved, That he be granted the privileges of the floor for the day and invited to address the Senate.

PACE,  
HOLBROOK.

The resolution was read, and by unanimous consent was adopted at this time.

Accordingly, the President Pro Tempore appointed Senators Holbrook, Burns and Redditt to escort Colonel T. N. Jones to the President's stand.

The President Pro Tempore presented Senator Holbrook, who introduced Colonel Jones.

Colonel Jones then addressed the Senate briefly.

**Senate Resolution No. 77.**

Senator Oneal offered the following resolution:

Resolved, That the Senate hold a Session at 7:30 o'clock tonight, April 27th, for the purpose of passing local and non-contested bills, with the agreement that if three Senators present object to consideration of the bill; the author or sponsor of the bill will not insist on a consideration of the same at that Session; provided that each Senator desiring to pass a bill or bills at that Session will give the number of same to the Calendar Clerk by 11:30 o'clock this morning, in order that a calendar of the bills to be considered may be in the hands of the Senators by 2 o'clock today; provided further that if a bill not on this calendar is sought to be called up, the objections of two Senators present will be sufficient to prevent further consideration of such bill.

(Signed) Oneal, Lemens, Spears, Woodruff, and Newton.

The resolution was read.

On motion of Senator Oneal and by unanimous consent, the regular order of business was suspended, to permit consideration of the resolution at this time.

Senator Redditt offered the following substitute for the resolution:

Whereas, In the present state of the calendar, it is obvious that all the bills now pending in the Senate cannot be passed during the remaining days of the session; and

Whereas, It is believed that sufficient time does remain, however, for the passage of many of the meritorious major bills, including the general appropriation bills, tax bills, and practically all of the local and non-contested bills, if the calendar is properly arranged to accommodate this situation; now, therefore, be it

Resolved by the Senate, That a special calendar be arranged for the remainder of this session to expedite the business of the session. To accomplish this end, the following procedure is hereby adopted:

For each working day, except calendar Wednesday and calendar Thursday, a special calendar shall be prepared, and the business shall be disposed of in the following order:

1. Senate Resolutions to amend the Constitution.
2. House Resolutions to amend the Constitution.
3. Senate general appropriation bills, including Rural Aid.
4. Special order of Senate bills.
5. Pending business (Senate bills).
6. Local and non-contested Senate bills.
7. Senate Resolutions to sue the State.

On the calendar Wednesday and Thursday the following order shall be followed:

1. House Resolutions to amend the Constitution.
2. Senate Resolutions to amend the Constitution.
3. House and Senate general appropriation bills.
4. General tax bills.
5. Special order House bills.
6. Pending business (House bills).
7. Local and non-contested House bills.
8. House Resolutions to sue the State.

The President of the Senate shall appoint a committee of three to pass upon non-contested bills before they shall be entitled a place on the non-contested calendar. Any such bills may be removed from such calendar on the objection of three senators.

If and when the special calendar herein provided for is exhausted, then the general calendar shall be resumed.

Be It Further Resolved, That on Tuesday afternoon and on Tuesday night the Senate shall suspend all business and take up and consider local and non-contested bills only. Any such bill which is called up must not be considered if three senators object; be it further

Resolved, That for the remainder of the session the present schedule of committee hearings shall be rearranged to provide for night sessions for such committee to enable the Senate to meet in the afternoons.

Except as otherwise provided herein, the foregoing order of business shall be subject to the rules of the Senate, the joint rules, and the general orders of the Senate.

Senator Oneal raised the point of order: that the substitute is not

a proper substitute for the resolution, since it contains subject matter not related to the subject of the resolution.

The President Pro Tempore overruled the point of order.

Senator Woodruff offered the following amendment to the substitute:

Amend the Redditt substitute for S. R. No. 77, by adding a new section.

"Provided that H. B. No. 53 shall be made pending business under this resolution, and shall be disposed of before any other business shall be taken up."

Senator Rawlings raised the point of order: that the place on the calendar of a specific bill may not be set by resolution, as is proposed by the amendment.

The President Pro Tempore sustained the point of order.

Senator Woodruff raised a point of order on further consideration of the substitute and resolution at this time, on the ground that the resolution may not be considered and acted on until it has been referred to and reported from a committee.

The President Pro Tempore overruled the point of order.

Senator Nelson raised the point of order: that since the substitute proposes certain changes in the joint rules of the two Houses, it would be in order only as a substitute for a concurrent resolution proposing changes in the joint rules.

The President Pro Tempore overruled the point of order.

Senator Hill offered the following amendment to the substitute:

Amend Redditt substitute for S. R. No. 77, by adding a new section to be inserted in an appropriate place:

"Provided that H. B. No. 53, which repeals race track gambling, shall be made pending business under this resolution, and shall be disposed of before any other business shall be taken up by the Senate."

Senator Rawlings raised a point of order on consideration of the amendment, on the ground that a particular preferred place on the calendar may not be given to a specific bill by a provision in a Senate resolution, as is proposed by the amendment.

The President Pro Tempore sustained the point of order.

Senator Hill appealed from the ruling of the President Pro Tempore.

Senator Holbrook was called to the chair pending the appeal.

Question—Shall the ruling of the Chair be sustained?

The Senate sustained the ruling of the Chair by the following vote:

Yeas—18.

Beck	Roberts
Brownlee	Shivers
Cotten	Spears
Holbrook	Stone
Lemens	Sulak
Moore	Van Zandt
Neal	Weinert
Rawlings	Westerfeld
Redditt	Winfield

Nays—9.

Aikin	Isbell
Burns	Nelson
Collie	Oneal
Head	Woodruff
Hill	

Present—Not Voting.

Pace

Absent.

Davis	Small
Newton	

(President Pro Tempore in the chair.)

Senator Redditt offered the following amendment to the substitute:

Amend substitute by adding at proper place:

"Be it further resolved that each Senator wishing to have bills placed on the local and uncontested calendar shall give to calendar clerk herein a list of said bills by 11:00 a. m. each Tuesday."

The amendment was adopted.

Question then recurring on the substitute as amended, yeas and nays were demanded.

The substitute (as amended) was adopted by the following vote:

Yeas—17.

Brownlee	Pace
Cotten	Rawlings
Holbrook	Redditt
Moore	Roberts
Neal	Shivers

Small  
Spears  
Stone  
Sulak

Weinert  
Westerfeld  
Winfield

Nays—13.

Aikin  
Beck  
Burns  
Collie  
Davis  
Head  
Hill

Isbell  
Lemens  
Nelson  
Oneal  
Van Zandt  
Woodruff

Absent.

Newton

Senator Oneal offered the following amendment to the resolution as substituted:

Amend S. R. No. 77 by adding after the word "bills" where it occurs in the second "Whereas" section the words:

"if the Legislature remains in session thirty days from this date; and."

Senator Oneal raised a point of order on further consideration at this time of the resolution as substituted, on the ground that its provisions are in violation of Senate Rules 11a and 12, relating to special orders.

The President Pro Tempore overruled the point of order.

Senator Moore moved to table the amendment to the resolution as substituted.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—13.

Burns  
Collie  
Holbrook  
Isbell  
Moore  
Neal  
Pace

Rawlings  
Roberts  
Small  
Stone  
Sulak  
Weinert

Nays—14.

Aikin  
Brownlee  
Cotten  
Davis  
Head  
Hill  
Lemens

Nelson  
Oneal  
Redditt  
Spears  
Van Zandt  
Westerfeld  
Woodruff

Absent.

Beck  
Newton

Shivers  
Winfield

Question recurring on the amendment, yeas and nays were demanded. The amendment was lost by the following vote:

Yeas—13.

Aikin  
Cotten  
Davis  
Head  
Hill  
Lemens  
Nelson

Newton  
Oneal  
Redditt  
Spears  
Van Zandt  
Woodruff

Nays—17.

Brownlee  
Burns  
Collie  
Holbrook  
Isbell  
Moore  
Neal  
Pace  
Rawlings

Roberts  
Shivers  
Small  
Stone  
Sulak  
Weinert  
Westerfeld  
Winfield

Absent.

Beck

Senator Woodruff offered the following amendment to the resolution as substituted:

Amend the Redditt substitute for S. R. No. 77 by adding before Section 1, renumbering the Sections accordingly; the following:

All bills and resolutions submitted by the Governor as emergencies shall be given priority of consideration before any other business is considered on the Senate calendar, and House Bills so submitted and pending shall be considered before Senate Bills.

Senator Stone moved the previous question on the amendment and the resolution as substituted, and the main question was ordered.

Question first recurring on the amendment to the resolution as substituted, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—12.

Aikin  
Beck  
Collie  
Cotten  
Davis  
Head

Hill  
Lemens  
Nelson  
Oneal  
Van Zandt  
Woodruff

Nays—18.

Brownlee  
Burns

Holbrook  
Isbell

Moore	Small
Neal	Spears
Pace	Stone
Rawlings	Sulak
Redditt	Weinert
Roberts	Westerfeld
Shivers	Winfield

Absent.

Newton

Senator Collie moved to reconsider the vote by which the main question was ordered.

Yeas and nays were demanded, and the motion to reconsider was lost by the following vote:

Yeas—10.

Aikin	Hill
Burns	Lemens
Collie	Nelson
Davis	Oneal
Head	Woodruff

Nays—20.

Beck	Roberts
Brownlee	Shivers
Cotten	Small
Holbrook	Spears
Isbell	Stone
Moore	Sulak
Neal	Van Zandt
Pace	Weinert
Rawlings	Westerfeld
Redditt	Winfield

Absent.

Newton

Question then recurring on the resolution as substituted, yeas and nays were demanded.

The President Pro Tempore announced the resolution as substituted was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—18.

Beck	Roberts
Brownlee	Shivers
Cotten	Small
Holbrook	Spears
Moore	Stone
Neal	Sulak
Pace	Weinert
Rawlings	Westerfeld
Redditt	Winfield

Nays—12.

Aikin	Collie
Burns	Davis

Head	Nelson
Hill	Oneal
Isbell	Van Zandt
Lemens	Woodruff

Absent.

Newton

**Bills and Resolution Signed.**

The President Pro Tempore signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolution:

H. B. No. 584, "An Act authorizing the commissioners' court in any county having a population of less than 35,000 inhabitants according to the last preceding Federal Census and having an assessed property valuation exceeding \$70,000,000.00 according to the approved tax rolls for the preceding year to allow each county commissioner the sum of Fifty (\$50.00) Dollars per month for traveling expenses, providing for the source of payment of such expenses and providing for filing of itemized accounts, and declaring an emergency."

H. B. No. 600, "An Act to amend Chapter 350, Acts of Forty-fourth Legislature, being the rural aid appropriation, by providing additional appropriation for carrying out provisions of said Act, repealing all conflicting laws, and declaring an emergency."

H. B. No. 1007, "An Act relating to marks and brands of live stock in Jasper and Newton Counties, requiring that each owner of any live stock mentioned in Chapter 1 of Title 121 of the Revised Civil Statutes of Texas of 1925, shall within six (6) months after this Act takes effect, have his mark and brand for such stock recorded at the office of the county clerk of said counties; without any cost to owner and providing that such owners shall so record such marks and brands whether heretofore recorded or not and that after the expiration of six (6) months from the taking effect of this Act all records of marks and brands now in existence in Jasper and Newton Counties shall no longer have any force or effect and that after the expiration of six (6) months only the records made after this Act shall be effective and considered the recorded marks and brands in said counties; and further providing that

the county clerk shall publish this Act in some newspaper in general circulation in said counties for a period of thirty (30) days, and declaring an emergency."

H. C. R. No. 103, Authorizing the Enrolling Clerk of the House to make certain corrections in H. B. No. 1007.

#### Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, April 27, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to H. B. No. 1131 and requests the Senate for the appointment of a free conference committee to adjust the differences between the two Houses. The following are appointed as conferees on the part of the House:

Messrs. Winfree, Heflin, Graves, Keith and Morris.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Request of the House Refused.

Senator Moore moved that the request of the House for a free conference committee to adjust the differences between the two Houses on H. B. No. 1131 be refused.

The motion prevailed.

#### Recess.

On motion of Senator Lemens, the Senate, at 12:40 o'clock p. m., took recess to 2:30 o'clock p. m. today.

#### Afternoon Session.

The Senate met at 2:30 o'clock p. m. and was called to order by the President Pro Tempore.

#### Resolution Signed.

The President Pro Tempore signed in the presence of the Senate, after giving due notice thereof, the following enrolled resolution:

H. C. R. No. 104, Inviting President Roosevelt to address a Joint Session of the Legislature.

#### Motion to Set S. B. No. 24 as Special Order.

Senator Spears moved that S. B. No. 24 be set as a special order for next Friday, April 30, 1937, immediately after conclusion of the morning call on that day.

(Senator Small in the Chair.)

Yeas and nays were demanded, and the motion was lost by the following vote (not receiving the necessary two-thirds vote):

#### Yeas—19.

Aikin	Roberts
Beck	Shivers
Brownlee	Spears
Collie	Stone
Cotten	Sulak
Head	Van Zandt
Hill	Weinert
Lemens	Westerfeld
Nelson	Winfield
Oneal	

#### Nays—11.

Burns	Pace
Davis	Rawlings
Holbrook	Redditt
Isbell	Small
Moore	Woodruff
Neal	

#### Absent.

Newton

#### Request of House Granted.

Senator Shivers moved that the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 750 be granted.

The motion prevailed.

Accordingly, the Presiding Officer announced the appointment of the following Conference Committee on the part of the Senate:

Senators Weinert, Neal, Shivers, Redditt and Holbrook.

#### Committee Substitute for Senate Bill No. 138 on Engrossment.

The Presiding Officer laid before the Senate, as the unfinished business, on its passage to engrossment (the bill having been read second time on April 23, 1937):

C. S. for S. B. No. 138, A bill to be entitled "An Act making appropriations for the support and maintenance of the executive and admin-

istrative departments and agencies of the State government for the two-year period beginning September 1, 1937, and ending August 31, 1939, and for other purposes; and declaring it unlawful for persons employed in the several departments to engage in political campaigns relating to election or re-election of any candidate or candidates for the head of such department and any public office and prescribing procedure for removal of such employees; and making it unlawful to use any State-owned automobile in connection with any campaign relating to any measures in which the particular department by which the employee is employed is directly interested and/or in behalf of the election or reelection of any person as the head of such department; and prescribing certain other regulations and restrictions in respect to the appropriations made herein, and declaring an emergency."

With the following amendment by Senator Sulak pending:

Amend S. B. No. 138 by striking out in line 7, page 70, the figures \$1,575.00 and \$3,150.00 and insert in lieu thereof the figures \$1,800.00 and \$3,600.00.

The amendment was adopted.

Senator Sulak offered the following amendment to the bill:

Amend S. B. No. 138 by striking out in line 11, page 70, of the printed bill the figures (in col. 1 and 2), the figures \$1,500.00 and insert in lieu thereof, in each column, the figures \$1,800.00.

The amendment was adopted.

Senator Sulak offered the following amendment to the bill:

Amend S. B. No. 138, line 61, page 29, item 4, by striking out figures \$2,400.00 and inserting in lieu thereof \$1,800.00; and in line 62, on page 29, strike out the figures \$4,800.00 and insert in lieu thereof \$3,600.00.

The amendment was adopted.

Senator Winfield offered the following amendment to the bill:

Amend S. B. No. 138, under the appropriation made for the maintenance of the Texas State Parks Board for the biennium 1938-39, at page 55 of the printed bill to be inserted as a rider of said appropria-

tion between the lines 8 and 9 to read as follows:

"There is hereby appropriated out of the general fund of the State of Texas, the sum of One Million Five Hundred Thousand (\$1,500,000.00) Dollars, or so much thereof as may be necessary, for the purchase of lands within the area designated for the Big Bend National Park in Brewster County, Texas, said park area being defined in an Act of Congress, known as Public No. 157, passed by the 74th Congress of the United States. The land is to be purchased by a Board to be composed of the Attorney General of Texas, the Chairman of the State Board of Control, the Commissioner of the General Land Office, the Chairman of the State Board of Education, and the Chairman of the Texas State Parks Board. This appropriation is made for the fiscal year ending August 31, 1938, and any unexpended balance is hereby appropriated for the use of said Board for the fiscal year ending August 31, 1939. The Board shall not pay a greater price than Two (\$2.00) Dollars per acre, exclusive of improvements thereon, and to pay for said improvements on the basis of their fair and reasonable market value at the time of said purchase, provided that this limitation shall not apply on the price to be paid for lands acquired through condemnation proceedings. The Board is authorized to purchase any unsold public free school land situated within the boundaries of said area and to acquire in fee simple title thereto, provided that a mineral reservation of one-eighth of all minerals shall be retained by the State for the benefit of its Permanent School Fund of all minerals as a free royalty, said royalty to be paid in the event of any future development of said land for minerals in conformity of the laws regulating the payment of royalty to the Permanent School Fund of the State. That where lands have been sold by the State of Texas for the benefit of the Permanent School Fund of the State on the deferred payment plan and there are now outstanding balances due on the purchases of said land upon obligations executed for payment of the consideration therefor, the Board is authorized to place a value on the purchasers' equity



therein and to pay therefor not to exceed the amount of Two (\$2.00) Dollars per acre, exclusive of improvements, and to pay for said improvements the fair and reasonable price therefor and to pay the State of Texas for the benefit of the Permanent School Fund the amount of unpaid balances thereon.

"The County Commissioners' Court of Brewster County in the year 1934 appointed an unofficial Board of Equalization composed of citizens of said County for the purpose of determining the valuation of lands in said County for ad valorem tax purpose and for the purpose of classifying said land for said purpose. This Board after hearings and investigations for said purposes made a report to the Commissioners' Court of Brewster County in regard to such values and classification of said lands on or about December 13, 1934. The Board hereby created for the purchase of lands shall consider the report made by said unofficial Board of Equalization of said County in determining the valuation of said lands and the limitation of Two (\$2.00) Dollars per acre fixed herein for the purchase of said land shall only apply to those lands which were classified by said County Board of Equalization in the lower brackets of valuation and shall not apply to lands in the higher brackets of valuation as fixed by said Board of Equalization. The report showed that approximately eighty-five (85%) per cent of said area was classified in the lower brackets of said area and approximately fifteen (15%) per cent of said area being classified in the higher brackets of valuation."

Senator Lemens offered the following amendment to the amendment:

Amend pending amendment by striking out the figures: "\$1,500,000.00" and by substituting in lieu thereof the figures: "\$750,000.00."

The amendment to the amendment was adopted.

Question recurring on the amendment as amended, yeas and nays were demanded.

The amendment as amended was adopted by the following vote:

Yeas—15.

Brownlee

Collie

Davis  
Head  
Holbrook  
Lemens  
Moore  
Neal  
Nelson

Newton  
Rawlings  
Spears  
Van Zandt  
Westerfeld  
Winfield

Nays—10.

Aikin  
Burns  
Cotten  
Oneal  
Pace

Redditt  
Roberts  
Shivers  
Small  
Sulak

Present—Not Voting.

Isbell

Absent.

Beck  
Hill  
Stone

Weinert  
Woodruff

Senator Nelson offered the following amendment to the bill:

Amend S. B. No. 138, page 49, after line 19, by adding a new section to be numbered (28), to read as follows:

"For public library service for each year of the fiscal years ending August 31, 1938, and August 31, 1939, there is hereby appropriated the sum of \$100,000."

And amend the totals to conform.

The amendment was adopted.

Senator Spears offered the following amendment to the bill:

Amend S. B. No. 138 by adding a new section reading as follows:

"There is hereby appropriated the sum of \$250,000.00 or so much thereof as may be necessary, for the purpose of making emergency repairs to the State Capitol at Austin, Texas. Said money to be expended under the direction and control of the State Board of Control."

Yeas and nays were demanded, and the amendment was adopted by the following vote:

Yeas—19.

Brownlee  
Burns  
Cotten  
Davis  
Holbrook  
Lemens  
Moore  
Neal  
Oneal  
Pace

Rawlings  
Small  
Spears  
Stone  
Sulak  
Van Zandt  
Weinert  
Westerfeld  
Winfield

## Nays—7.

Aikin	Redditt
Beck	Roberts
Collie	Shivers
Isbell	

## Absent.

Head	Newton
Hill	Woodruff
Nelson	

Senator Van Zandt offered the following amendment to the bill:

Amend S. B. No. 138, page 49, lines 37-38, to read as follows:

"5. Assistant Attorneys General, five to be appointed by and assigned by the Attorney General for full time work with the Liquor Control Board, at \$3600.00 per year each . . . \$18,000.00 \$18,000.00.

Senator Spears offered the following substitute for the amendment:

Amend S. B. No. 138 by striking out lines 37 and 38, page 49, and substituting in lieu thereof the following:

5 Assistant Attorneys General  
five at \$4,000.00 per year—  
\$20,000.00 \$20,000.00

Yeas and nays were demanded, and the substitute was lost by the following vote:

## Yeas—14.

Brownlee	Oneal
Burns	Pace
Cotten	Rawlings
Isbell	Redditt
Lemens	Spears
Moore	Weinert
Newton	Winfield

## Nays—15.

Aikin	Shivers
Beck	Small
Collie	Stone
Davis	Sulak
Hill	Van Zandt
Holbrook	Westerfeld
Neal	Woodruff
Roberts	

## Absent.

Head	Nelson
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The amendment was adopted.

Senator Van Zandt offered the following amendment to the bill:

39—Jour.

Amend S. B. No. 138, page 52, by inserting between lines 21 and 22, a new item to be known as item "11a" to read as follows:

"11a" Assistant Attorney General to be appointed by the Attorney General at \$3,600.00 per year . . . \$3600.00 \$3600.00.

Senator Hill moved the previous question on the amendment and the passage of the bill to engrossment, and the motion was not seconded.

Yeas and nays were demanded, and the amendment was lost by the following vote:

## Yeas—11.

Burns	Pace
Collie	Redditt
Cotten	Shivers
Isbell	Stone
Lemens	Van Zandt
Moore	

## Nays—17.

Aikin	Rawlings
Beck	Roberts
Brownlee	Small
Davis	Spears
Hill	Sulak
Holbrook	Westerfeld
Nelson	Winfield
Newton	Woodruff
Oneal	

## Present—Not Voting.

Neal

## Absent.

Head	Weinert
------	---------

Senator Cotten offered the following amendment to the bill:

Amend S. B. No. 138, page 68 of the printed bill, under the heading: State Tax Board by adding an item under salaries to be known as item "7a" to be inserted at line 62, to read as follows:

"7a. Two Assistant Attorneys General to be appointed and assigned by the Attorney General for full time work exclusively in the Tax Board, salaries not to exceed \$3750.00 each per year \$7,500.00 \$7,500.00. per year \$7,500.00 \$7,500.00"

Yeas and nays were demanded and the amendment was lost by the following vote:

## Yeas—12.

Brownlee	Newton
Burns	Oneal
Cotten	Pace
Hill	Redditt
Isbell	Spears
Moore	Van Zandt

## Nays—15.

Aikin	Roberts
Beck	Small
Collie	Sulak
Davis	Weinert
Holbrook	Westerfeld
Lemens	Winfield
Nelson	Woodruff
Rawlings	

## Absent.

Head	Shivers
Neal	Stone

Senator Burns offered the following amendment to the bill:

Amend S. B. No. 138 at page 8, under the heading: State Auditor and Efficiency Expert, Auditing Division, item 4, lines 16 to 18, inclusive, of the printed bill by striking out said provisions and inserting in lieu thereof the following:

"4. Legal Assistant (to be appointed, approved and commissioned by the Attorney General), \$3,600.00, \$3,600.00."

The amendment was lost.

Senator Brownlee offered the following amendment to the bill:

Amend S. B. No. 138 by adding to line No. 55, page 50, the following language:

"Provided that no rents of any department shall be paid in the City of Austin for any State rent for offices or quarters for State departments in excess of Eight Cents (8c) per square foot per month for rentals including water, lights, and all other services; that is, that the Board of Control shall not pay more than Eight Cents (8c) per square foot rental per month for office or other space including all services such as elevator, water, and lights and other services of any kind."

The amendment was adopted.

Senator Moore offered the following amendment to the bill:

Amend S. B. No. 138 by striking out on page 50, lines 42 to 46 both

inclusive and inserting in lieu the following:

No part of this sum or any sums appropriated by this or any other Act shall be used for the purchase of intoxicating liquors.

Yeas and nays were demanded, and the amendment was lost by the following vote:

## Yeas—13.

Brownlee	Shivers
Collie	Spears
Davis	Stone
Holbrook	Weinert
Neal	Westerfeld
Rawlings	Winfield
Redditt	

## Nays—17.

Aikin	Nelson
Beck	Newton
Burns	Oneal
Cotten	Roberts
Head	Small
Hill	Sulak
Isbell	Van Zandt
Lemens	Woodruff
Moore	

## Absent.

Pace

## Reason for Vote.

I voted "nay" on the amendment for the purpose of being eligible to move to reconsider the vote by which the amendment was lost.

MOORE.

Senator Moore moved to reconsider the vote by which the amendment was lost.

Senator Lemens moved to table the motion to reconsider:

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

## Yeas—16.

Aikin	Nelson
Beck	Newton
Burns	Oneal
Cotten	Redditt
Head	Roberts
Isbell	Small
Lemens	Van Zandt
Neal	Woodruff

## Nays—14.

Brownlee	Davis
Collie	Holbrook

Moore	Stone
Pace	Sulak
Rawlings	Weinert
Shivers	Westerfeld
Spears	Winfield

Absent.

Hill

Senator Head offered the following amendment to the bill:

Amend S. B. No. 138, page 49, line 34, item 2 by changing the figures \$4,000.00 where they appeared, to read \$5000.00.

The amendment was adopted.

Senator Spears offered the following amendment to the bill:

Amend S. B. No. 138 by striking out line 23, page 50, and substituting in lieu therefor the following:

39. Chief Supervisor \_\_\_\_\_  
                                   \$4,000.00   \$4,000.00

Yeas and nays were demanded, and the amendment was adopted by the following vote:

Yeas—18.

Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Shivers
Head	Spears
Isbell	Stone
Moore	Sulak
Nelson	Weinert
Oneal	Winfield

Nays—12.

Aikin	Newton
Beck	Roberts
Davis	Small
Holbrook	Van Zandt
Lemens	Westerfeld
Neal	Woodruff

Absent.

Hill

Senator Spears offered the following amendment to the bill:

Amend S. B. No. 138 by striking out line 35, page 49, and substituting in lieu therefor the following:

3. Chief Examiner \_\_\_\_\_  
                                   \$4,000.00   \$4,000.00

Question—Shall the amendment be adopted?

### Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
 Austin, Texas, April 27, 1937.  
 Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has laid on the table, by a vote of 89 yeas and 36 nays, the following joint resolution:

H. J. R. No. 40, Proposing an amendment to Article XVI of the Constitution of the State of Texas by adding thereto a new Section to be known as Section 30b; providing that the Legislature may authorize by law the creation of a system of civil service for the appointive officers of the respective county and home rule city governments of the several counties and home rule cities in the State and providing for submission of same to the qualified voters of the State; providing for the necessary proclamation and appropriating funds to defray the expenses of the proclamation, publication and election.

The House has laid on the table by a vote of 88 yeas and 53 nays the following joint resolution:

H. J. R. No. 15, Proposing to repeal Article III of the Constitution of the State of Texas, the same being the Article creating the Legislative Department of the State and to adopt and enact a new Article III in lieu thereof; reorganizing the Legislative Department of the State of Texas.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
 Chief Clerk, House of Representatives.

### Reports of Standing Committees.

(By Unanimous Consent.)

Reports on Senate Bill No. 492, and House Bills Nos. 1078, 529, 1096, and 441 were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

### House Bill No. 1096 on Second Reading.

On motion of Senator Hill and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second

reading and passage to third reading:

H. B. No. 1096, A bill to be entitled "An Act creating County Wide Equalization School Districts in all counties containing a population of not less than 15,700 nor more than 32,500, according to the last preceding Federal Census and containing a valuation of more than \$75,000,000.00; providing for the vesting of the general management, supervision and control of the public schools and educational interests of such counties in the county board of school trustees; etc., and declaring an emergency."

The Presiding Officer laid the bill before the Senate.

On motion of Senator Hill and by unanimous consent, Senate Rule No. 48 was suspended, to permit consideration of the bill at this time.

The bill was read second time.

Senator Hill offered the following amendment to the bill:

Amend H. B. No. 1096 by striking out the words and figures fifteen thousand seven hundred (15,700) wherever they appear, and inserting in lieu thereof the words and figure twenty thousand (20,000), and by amending the caption to conform to said change.

The amendment was adopted.

H. B. No. 1096 then was passed to third reading.

#### House Bill No. 1096 on Third Reading.

Senator Hill moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1096 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31.

Aikin	Isbell
Beck	Lemens
Brownlee	Moore
Burns	Neal
Collie	Nelson
Cotten	Newton
Davis	Oneal
Head	Pace
Hill	Rawlings
Holbrook	Redditt

Roberts  
Shivers  
Small  
Spears  
Stone  
Sulak

Van Zandt  
Weinert  
Westerfeld  
Winfield  
Woodruff

The Presiding Officer then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

#### House Bill No. 1078 on Second Reading.

On motion of Senator Neal and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 1078, A bill to be entitled "An Act amending Article 3943, Revised Civil Statutes of Texas, 1925, as amended by Chapter 230, Acts of the Fortieth Legislature, Regular Session as amended by Chapter 346, Acts of the Forty-second Legislature, Regular Session, by providing that in counties containing a population of not less than 42,100 nor more than 42,250, according to the last preceding Federal Census, and having a valuation in excess of \$20,000.00, the commissioners' court may allow the county treasurer to retain fees and commissions not exceeding \$3,600.00 per annum, and declaring an emergency."

The Presiding Officer laid the bill before the Senate.

On motion of Senator Neal and by unanimous consent, Senate Rule No.

48 was suspended, to permit consideration of the bill at this time.

The bill then was read second time and was passed to third reading.

**House Bill No. 1078 on Third Reading.**

Senator Neal moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1078 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

The Presiding Officer then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

**House Bill No. 145 on Second Reading.**

On motion of Senator Holbrook and by unanimous consent, the reg-

ular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 145, A bill to be entitled "An Act amending Article 3902, Revised Civil Statutes of 1925, as amended by Chapter 465, Acts of the Second Called Session of the Forty-fourth Legislature, fixing the maximum compensation to be paid deputies, assistants and clerks, and the manner in which the same may be appointed and paid, by adding a new Section to be known as Section 4a and providing that the commissioners' court in counties having a population of sixty thousand and one (60,001) and not more than one hundred thousand (100,000) inhabitants, may, under certain conditions, allow first assistant or chief deputy or other assistant deputies or clerks, who are heads of departments, an additional sum of Three Hundred (\$300.00) Dollars, and declaring an emergency."

The Presiding Officer laid the bill before the Senate, and it was read second time.

Senator Holbrook offered the following amendment to the bill:

Amend H. B. No. 145 by inserting the following after the words and figures "one hundred thousand (100,000) inhabitants": the following: "According to the preceding Federal Census and containing a city of not less than fifty two thousand (52,000) inhabitants according to the preceding Federal Census."

And amend caption to conform.

The amendment was adopted.

H. B. No. 145 was passed to third reading.

**House Bill No. 145 on Third Reading.**

Senator Holbrook moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 145 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31.

Aikin	Brownlee
Beck	Burns

Collie	Rawlings
Cotten	Redditt
Davis	Roberts
Head	Shivers
Hill	Small
Holbrook	Spears
Isbell	Stone
Lemens	Sulak
Moore	Van Zandt
Neal	Weinert
Nelson	Westerfeld
Newton	Winfield
Oneal	Woodruff
Pace	

The Presiding Officer then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

#### Adjournment.

On motion of Senator Weinert, the Senate, at 5:25 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

#### Record of Vote.

Senator Oneal asked to be recorded as voting "nay" on the motion to adjourn.

#### APPENDIX.

##### Bills Filed in Department of State.

Austin, Texas, April 27, 1937.

Hon. Bob Barker, Secretary of the Senate.

Dear Sir: I submit herewith a list of bills and resolutions passed by the Forty-fifth Legislature which were filed in this office Monday, April 26, 1937:

S. B. No. 13:  
Vote in Senate, yeas 30, nays 0.  
Vote in House, yeas 127, nays 0.  
Date signed by the Governor, unsigned.

S. B. No. 222:  
Vote in Senate, yeas 31, nays 0.  
Vote in House, yeas 109, nays 2.  
Date signed by the Governor, April 26, 1937.

S. B. No. 226:  
Vote in Senate, yeas 26, nays 1.  
Vote in House, yeas 107, nays 9.  
Date signed by the Governor, April 26, 1937.

S. B. No. 235:  
Vote in Senate, yeas 31, nays 0.  
Vote in House, yeas 109, nays 0.  
Date signed by the Governor, April 26, 1937.

S. B. No. 245:  
Vote in Senate, yeas 27, nays 1.  
Vote in House, yeas 119, nays 0.  
Date signed by the Governor, April 26, 1937.

S. B. No. 417:  
Vote in Senate, yeas 27, nays 0.  
Vote in House, yeas 117, nays 0.  
Date signed by the Governor, April 23, 1937.

S. B. No. 485:  
Vote in Senate, yeas 22, nays 3.  
Vote in House, yeas 110, nays 0.  
Date signed by the Governor, April 26, 1937.

S. C. R. No. 47:  
Vote in Senate, viva voce.  
Vote in House, viva voce.  
Date signed by the Governor, unsigned.

S. C. R. No. 53:  
Vote in Senate, viva voce.  
Vote in House, viva voce.  
Date signed by the Governor, unsigned.

S. C. R. No. 54:  
Vote in Senate, yeas 22, nays 5.  
Vote in House, viva voce.  
Date signed by the Governor, unsigned.

S. C. R. No. 57:  
Vote in Senate, viva voce.  
Vote in House, viva voce.  
Date signed by the Governor, April 26, 1937.

H. B. No. 38:  
Vote in Senate, yeas 25, nays 0.  
Vote in House, yeas 101, nays 0.  
Date signed by the Governor,  
April 26, 1937.

H. B. No. 91:  
Vote in Senate, viva voce.  
Vote in House, yeas 112, nays 0.  
Date signed by the Governor,  
April 26, 1937.

H. B. No. 95:  
Vote in Senate, yeas 29, nays 1.  
Vote in House, yeas 116, nays 3.  
Date signed by the Governor,  
April 26, 1937.

H. B. No. 115:  
Vote in Senate, yeas 29, nays 0.  
Vote in House, viva voce.  
Date signed by the Governor,  
April 26, 1937.

H. B. No. 116:  
Vote in Senate, yeas 29, nays 0.  
Vote in House, viva voce.  
Date signed by the Governor,  
April 26, 1937.

H. B. No. 169:  
Vote in Senate, yeas 27, nays 0.  
Vote in House, yeas 104, nays 1.  
Date signed by the Governor,  
April 26, 1937.

H. B. No. 205:  
Vote in Senate, yeas 27, nays 1.  
Vote in House, yeas 124, nays 0.  
Date signed by the Governor,  
April 26, 1937.

H. B. No. 491:  
Vote in Senate, yeas 28, nays 0.  
Vote in House, yeas 126, nays 0.  
Date signed by the Governor,  
unsigned.

H. B. No. 493:  
Vote in Senate, yeas 30, nays 0.  
Vote in House, yeas 116, nays 1.  
Date signed by the Governor,  
April 26, 1937.

H. B. No. 494:  
Vote in Senate, yeas 30, nays 0.  
Vote in House, yeas 124, nays 0.  
Date signed by the Governor,  
April 26, 1937.

H. B. No. 511:  
Vote in Senate, yeas 25, nays 0.  
Vote in House, yeas 107, nays 0.  
Date signed by the Governor,  
April 26, 1937.

H. B. No. 539:  
Vote in Senate, yeas 31, nays 0.  
Vote in House, yeas 114, nays 0.  
Date signed by the Governor,  
April 26, 1937.

H. B. No. 566:  
Vote in Senate, yeas 30, nays 0.  
Vote in House, yeas 131, nays 1.  
Date signed by the Governor,  
April 26, 1937.

H. B. No. 571:  
Vote in Senate, yeas 24, nays 0.  
Vote in House, yeas 110, nays 0.  
Date signed by the Governor,  
unsigned.

H. B. No. 611:  
Vote in Senate, yeas 28, nays 0.  
Vote in House, yeas 107, nays 0.  
Date signed by the Governor,  
April 26, 1937.

H. B. No. 615:  
Vote in Senate, yeas 24, nays 1.  
Vote in House, yeas 120, nays 0.  
Date signed by the Governor,  
April 26, 1937.

H. B. No. 659:  
Vote in Senate, yeas 25, nays 0.  
Vote in House, yeas 110, nays 0.  
Date signed by the Governor,  
April 23, 1937.

H. B. No. 661:  
Vote in Senate, yeas 30, nays 0.  
Vote in House, yeas 125, nays 0.  
Date signed by the Governor,  
April 26, 1937.

H. B. No. 749:  
Vote in Senate, yeas 30, nays 0.  
Vote in House, yeas 106, nays 0.  
Date signed by the Governor,  
unsigned.

H. B. No. 936:  
Vote in Senate, yeas 28, nays 0.  
Vote in House, yeas 121, nays 1.  
Date signed by the Governor,  
April 26, 1937.

H. B. No. 985:  
Vote in Senate, yeas 23, nays 0.  
Vote in House, yeas 118, nays 0.  
Date signed by the Governor,  
April 26, 1937.

H. B. No. 1009:  
Vote in Senate, yeas 30, nays 0.  
Vote in House, yeas 121, nays 0.  
Date signed by the Governor,  
unsigned.



H. B. No. 1045:

Vote in Senate, yeas 25, nays 0.

Vote in House, viva voce.

Date signed by the Governor,  
April 26, 1937.

H. B. No. 1125:

Vote in Senate, yeas 28, nays 0.

Vote in House, yeas 123, nays 5.

Date signed by the Governor,  
April 26, 1937.

H. C. R. No. 98:

Vote in Senate, viva voce.

Vote in House, viva voce.

Date signed by the Governor,  
April 26, 1937.

H. C. R. No. 99:

Vote in Senate, viva voce.

Vote in House, viva voce.

Date signed by the Governor,  
April 26, 1937.

H. C. R. No. 100:

Vote in Senate, viva voce.

Vote in House, viva voce.

Date signed by the Governor,  
April 26, 1937.

Assuring you of the sincere pleasure of this office in performing this service, I am

Yours very truly,

EDWARD CLARK,

Secretary of State.

By: M. E. SANDLIN,  
Assistant Secretary of State.

#### Reports of Standing Committees.

Committee Room,

Austin, Texas, April 27, 1937.

Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on  
Claims and Accounts, to whom was  
referred S. B. No. 179,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but the attached committee substitute do pass and be printed in lieu thereof.

HEAD, Chairman.

Committee Room,

Austin, Texas, April 27, 1937.

Hon. Will D. Pace, President Pro  
Tempore of the Senate.

Sir: We, your Committee on  
State Affairs, to whom was referred  
S. B. No. 488, A bill to be entitled  
"An Act to fix the maximum rate of

tax to be levied for school purposes in all independent school districts which include within their limits two counties or portions thereof one of which counties according to the latest Federal Census had a population of not fewer than fifteen thousand one hundred and forty (15,140) and not more than fifteen thousand one hundred and sixty (15,160) inhabitants, whether organized under General or Special Law; repealing all laws in conflict herewith, both General and Special, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, April 27, 1937.

Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on  
State Affairs, to whom was referred  
S. B. No. 494, A bill to be entitled  
"An Act providing that all bonds  
which have been heretofore issued  
and sold by all road districts in  
counties with a population of not less  
than twenty-five thousand three hundred forty-four, and not more than twenty-five thousand four hundred forty-four people, according to the last preceding Federal Census, where the proceeds of the sale of bonds has been expended, in whole or in part, upon a highway which has, since the issuance and sale of said bonds, been temporarily or permanently designated as a part of the State Highway System, shall be entitled to participate in the State Highway Fund, under the provisions of Chapter 136, Acts of the Forty-third Legislature of Texas, 1933, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, April 26, 1937.

Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 1091, A bill to be entitled "An Act validating the creation and organization of independent school districts, and validating the action of any County Board of Trustees with reference to the creation of school districts out of another independent school district, making this Act applicable to certain counties according to the last preceding Federal Census, and providing that no part of this Act shall affect any litigation now pending, and that only Acts passed by four-fifths majority of the County Board of Trustees shall be valid, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

COTTEN, Chairman.

Committee Room,

Austin, Texas, April 27, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 491, A bill to be entitled "An Act limiting the amount of money to be assessed against candidates for Congress in districts composed of one county, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, April 27, 1937.

Hon. Will D. Pace, President Pro Tempore of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 495, A bill to be entitled "An Act authorizing the appointment of County Highway Patrolmen by the commissioners' courts of counties containing not less than eleven thousand nine hundred eighty (11,980) inhabitants, and not more than twelve thousand one hundred (12,100) inhabitants, according to the last preceding Federal Census, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, April 27, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

H. B. No. 284, A bill to be entitled "An Act amending Article 5714 of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 83, Section 1, Acts of the Regular Session of the Forty-second Legislature, giving the Commissioner of Agriculture authority to make specific regulations with reference to specifications and tolerances for weighing and measuring devices and their use; providing for reasonable variations to conform to the provisions of Section 2, Article 1037b, Title 14, Chapter 5, of the Revised Criminal Statutes of 1925; providing a penalty for violation of the Act; repealing all laws and parts of laws in conflict, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, April 27, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

H. B. No. 24, A bill to be entitled "An Act to be known as the 'State Soil Conservation Act,' reciting the legislative determination and declaration of policy; describing the consequences of soil erosion and the depletion of the fertility of the soil; reciting appropriate corrective methods; defining certain words and phrases used in this Act; establishing the State Soil Conservation Board; establishing five (5) State districts from which members of the State Soil Conservation Board are to be elected; defining the powers and duties of said members acting through and for said State Soil Conservation Board; providing for five (5) ex-officio members, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to

report it back to the Senate with the recommendation that it do pass and be printed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, April 27, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

H. B. No. 982, A bill to be entitled "An Act amending Section 1 of Chapter 129, page 356, Acts of the Regular Session of the Forty-fourth Legislature; repealing all laws, or parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BECK, Chairman.

Committee Room,

Austin, Texas, April 26, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

H. B. No. 793, A bill to be entitled "An Act making it unlawful for any person, firm, company or corporation to move, or cause to be moved any hog or hogs from any premises within twenty-one days following the injection of hog cholera virus without written permission from the Live Stock Sanitary Commission and prescribing a penalty therefor; making it unlawful for any person, firm, company or corporation to transport, draft or drive any hog upon a public thoroughfare, which is then sick of any contagious disease and which is out of any herd of hogs infected with any contagious disease, except with written permission of the Live Stock Sanitary Commission, . . . etc., providing that this law shall be cumulative of all other laws on the subject."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NEAL, Chairman.

Committee Room,

Austin, Texas, April 19, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 490, A bill to be entitled "An Act appropriating any and all unexpended balances remaining of that certain appropriation made by the Forty-fourth Legislature, Regular Session, 1935, Section Seven (7) of Chapter 131, being S. B. No. 467, as shown by the Acts of said Session, page 359, et seq., for the location, establishment, erection, equipment and completion of a tuberculosis sanatorium for Negroes to be known as the State Tuberculosis Sanatorium for Negroes; providing the rules and regulations governing the expenditure thereof; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SPEARS, Chairman.

Committee Room,

Austin, Texas, April 27, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 1002, A bill to be entitled "An Act fixing salaries and compensation of county commissioners in counties with a population of not less than seventy-seven thousand, six hundred (77,600) inhabitants nor more than eighty-eight thousand (88,000) inhabitants according to the last Federal Census as same now exists or may hereafter exist, and/or having an assessed valuation of not less than Forty Million and One Dollars (\$40,000,001) nor more than Fifty Million Dollars (\$50,000,000), according to the last approved tax rolls, as same now exists or may hereafter exist; providing for the manner of payment of the salaries and the funds from which said salaries shall be paid; repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to

report it back to the Senate with the recommendation that it do pass and be not printed.

SPEARS, Chairman.

Committee Room,

Austin, Texas, April 27, 1937.

Hon. Will D. Pace, President Pro Tempore of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 492, A bill to be entitled "An Act providing that Limestone County, Texas, may fund or refund the indebtedness outstanding against its Permanent Improvement Fund as of May 1st, 1937; setting forth the method of operation; validating the indebtedness proposed to be funded or refunded, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, April 27, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 1078, A bill to be entitled "An Act amending Article 3943, Revised Civil Statutes of Texas, 1925, as amended by Chapter 230, Acts of the Fortieth Legislature, Regular Session, as amended by Chapter 346, Acts of the Forty-second Legislature, Regular Session, by providing that in counties containing a population of not less than forty-two thousand, one hundred (42,100) nor more than forty-two thousand, two hundred and fifty (42,250), according to the last preceding Federal Census and having an assessed valuation in excess of Twenty Million Dollars (\$20,000,000), the commissioners' court may allow the county treasurer to retain fees and commissions not exceeding Thirty-six Hundred Dollars (\$3600) per annum, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with engrossed riders Nos. 1 and 2 and be not printed.

SPEARS, Chairman.

Committee Room,

Austin, Texas, April 27, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 529, A bill to be entitled "An Act providing that the governing boards of all institutions of collegiate rank, supported in whole or in part by funds of the State of Texas, shall exempt all citizens of Texas who are the children of men and women who died in active service during the World War or from disability incurred in the line of duty during said war from the payment of all dues, fees, and charges whatsoever for tuition; providing said exemption does not apply to certain deposits nor to lodging, board, or clothing; providing that such citizens shall submit satisfactory evidence of their status, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COTTEN, Chairman.

Committee Room,

Austin, Texas, April 27, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 1096, A bill to be entitled "An Act creating county-wide equalization school districts in all counties containing a population of not less than fifteen thousand, seven hundred (15,700) nor more than thirty-two thousand, five hundred (32,500), according to the last preceding Federal Census and containing a valuation of more than Seventy-five Million (\$75,000,000); etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

COTTEN, Chairman.

Committee Room,

Austin, Texas, April 19, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

H. B. No. 441, A bill to be entitled "An Act to amend Article 7063, Revised Civil Statutes of 1925, as amended by H. B. No. 8, Chapter 495, Article IV, Acts of the Third Called Session of the Forty-fourth Legislature of 1936; and to repeal Section 17, Chapter 40, Acts of the Forty-first Legislature, First Called Session, as related to the payment of taxes, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLLIE, Chairman.

Committee Room,

Austin, Texas, April 26, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 470 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

#### SIXTY-SEVENTH DAY.

(Wednesday, April 28, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tempore Pace.

The roll was called and the following Senators were present:

Aikin	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Oneal	

The following Senators were absent and excused:

Beck                      Newton

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Aikin.

#### Reports of Standing Committees.

Reports on Senate Bills Nos. 439, 496, on House Bills Nos. 912, 650, 1048, 389, 499, and on H. C. R. No. 33, were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

#### Leaves of Absence Granted.

Senator Newton was granted leave of absence for today, on account of illness, on motion of Senator Brownlee.

Senator Beck was granted leave of absence for today, on account of important business, on motion of Senator Shivers.

#### Senate Bill No. 497 on First Reading.

Senator Brownlee moved that the rule limiting the time for introduction of certain bills to the first 45 days of the session be suspended, to permit the introduction at this time of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29.

Aikin	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Oneal	

Absent—Excused.

Beck                      Newton

The following bill was introduced, read first time and referred to the Committee on Towns and City Corporations:

By Senator Brownlee:

S. B. No. 497, A bill to be entitled "An Act amending the 'Lower Colo-